

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-2585

UNITED STATES OF AMERICA

v.

ROLAND AMOS

Appellant

On Appeal from the United States District Court
for the District of New Jersey
(D.N.J. Criminal No. 03-774)
District Judge: Honorable John W. Bissell

Submitted Under Third Circuit L.A.R. 34.1(a)
April 21, 2005

Before: ROTH, FUENTES, and STAPLETON,
Circuit Judges.

(Filed: May 4, 2005)

OPINION OF THE COURT

FUENTES, Circuit Judge.

Roland Amos pled guilty to distribution, and possession with intent to distribute, more

than 5 grams of crack cocaine. Amos' sentence was enhanced under U.S.S.G. § 4A.1.1(e) because the District Court determined that the offense took place less than two years after his release from custody for prior offenses. Amos appeals his sentence and seeks a remand pursuant to United States v. Booker, 543 U.S. ___, 125 S. Ct. 738 (2005).

Having determined that issues with respect to Booker are best determined by the District Court in the first instance, we vacate the sentence and remand for resentencing in accordance with that opinion. See United States v. Davis, 2005 WL 976941 (3d Cir. Apr. 28, 2005).